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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,163	06/02/2006	Danny A. Grant	IMMR-0152B (434701-512)	3281
60140 7590 03/30/2009 IMMERSSION - NIXON PEABODY LLP 200 Page Mill Road Palo Alto, CA 94306			EXAMINER NAM, HYUN	
			ART UNIT 2184	PAPER NUMBER
			MAIL DATE 03/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,163	Applicant(s) GRANT ET AL.	
	Examiner Hyun Nam	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 2,6-9,11,14-25 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,10,12,13,26 and 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/2009 has been entered.

Claim Rejections - 35 USC § 112 2nd

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of the term 'associated with' in claim 34 fails to particularly point out and distinctly claim the subject matter because the meets and bounds of the claim are unclear when it

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is uncertain how the claimed elements are associated with each other (i.e. associated by color, shape, frequency, form, format, letter, similarity, distinctions, same differences, etc.).

Applicant is required to review the claim and correct all language which does not comply with 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 10, 12, 13, 26, and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by the Kaaresoja et al. (U.S. Publication Number 2002/0177471) hereinafter Kaaresoja '471.

Referring to claim 1, Kaaresoja '471 teaches, as claimed, a method, comprising:

generating an output signal (see Fig. 1, a signal from Keypad 108 to Controller 106) upon an actuation of one or more of a plurality of user-interface members (a key of keys on keypad, see Fig. 1, Keypad 108 and Paragraph 17, Line 6; Note, when user press the key to select a menu item, a mobile phone receives an input signal associated with actuation) on a first handheld communication device (mobile phone, see Paragraph 17, Line 2);

assigning a haptic code (a tactile icon, see Paragraph 17, Lines 6-7, and Fig. 2; Note, type of haptic codes shown in Figure 2 is assigned to a tactile icon) associated with the actuation (see Fig. 1, data path labeled, 'instruction on how to interpret a tactile sensation pattern');

including a haptic code in the output signal (message, see Paragraph 24, Line 11), the haptic code configured to distinctly identify the first handheld communication device (see Paragraph 24, Lines 9-11; Note, a message of ringing tone or business card distinctly identifies a caller and caller's handheld communication device) and a status event (indicating call waiting event, see Paragraph 15); and

sending the output signal to a remote handheld communication device (mobile phone, see Paragraph 17, Line 2; Note, one) remote from the first handheld communication device (see Paragraph 24, Lines 9-11; Note, tactile icons

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composed from one device is sent to another remote device), wherein the second handheld communication device is configured to output a haptic effect corresponding to the haptic code (see Paragraphs 9 and 11).

As to claim 3, Kaaresoja '471 teaches, the method of claim 1 wherein sending further includes in the output signal at least one of a message (voice message, see Fig. 1, Loudspeaker 114), a video image (an animation, see Paragraph 18, Line 4), and a graphical feature (pictures, see Paragraph 18, Line 3).

As to claim 4, Kaaresoja '471 teaches, the method of claim 1 wherein the haptic code is associated with a predetermined scheme (see Fig. 1, stored vibration pattern 140e; Note, predetermined vibrations patterns are stored in the memory for later determination of tactile sensation to be sent or received).

As to claim 5, Kaaresoja '471 teaches, the method of claim 1 wherein receiving further includes defining the one of the user-interface members (see Paragraph 17, Line 6; Note, a menu item is defined to the key in the keypad) include at least one of a key, a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

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As to claims 10, 12, and 13, they are directed to a computer-readable medium on which is encoded program code to implement the methods as set forth in claims 1, 3, and 4 respectively. Therefore, they are rejected on the same basis as set forth hereinabove.

Referring to claim 26, Kaaresoja '471 teaches, as claimed, a handheld communication device, comprising:

a body (see Fig. 1, a Block Diagram of a mobile phone) having an antenna (see Fig. 1, Antenna 102) configured to receive a signal from a transmitting handheld communication device (see Fig. 1, Transceiver 104), the signal including a haptic code therein (see Fig. 1, tactile sensation pattern) to distinctly identify the transmitting handheld communication device (see Paragraph 24, Lines 9-11; Note, a message of ringing tone or business card distinctly identifies a caller and caller's handheld communication device) and a status event (indicating call waiting event, see Paragraph 15);

a user-interface member (see Fig. 1, Keypad 101) coupled to the body;

a processor (see Fig. 1, Controller 106) in data communication with the user-interface member;

an actuator (see Fig. 1, Vibration motor 100) coupled to user-interface member and in data communication with the processor (see Fig. 1, data path labeled 'control signal'), wherein the actuator is configured to output a haptic effect corresponding to the haptic code (see Paragraphs 9 and 11).

As to claim 28, Kaaresoja '471 teaches, the device of claim 26 is one of a cellular phone (see Fig. 1, a Block Diagram of a Mobile Phone), a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player (Note, the mobile phone is one of the device listed above).

As to claim 29, Kaaresoja '471 teaches, the device of claim 26 wherein the plurality of user-interface members includes at least one of a key (a key on keypad, see Fig. 1, Keypad 108), a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

As to claims 30, Kaaresoja '471 teaches, the apparatus of claim 26 further comprising memory (see Fig. 1, Memory 140), wherein the memory stores program code (see Fig. 1, Vibration pattern interpreter 140a) for extracting a haptic stimuli (see Fig. 2, Vibration patterns) from the input signal.

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As to claim 31, Kaaresoja '471 teaches, the apparatus of claim 26 further comprising a display device (see Fig. 1, Display 110) in communication with the processor (see Fig. 1, Controller 106), the processor to cause the display device to produce an image of the identified source (pictures, see Paragraph 18, Line 3).

As to claims 32, it is directed to a method to implement the same method as set forth in claim 1. Therefore, it is rejected on the same basis as set forth hereinabove.

As to claims 33, it is directed to a program code to implement the method as set forth in claim 32. Therefore, it is rejected on the same basis as set forth hereinabove.

As to claims 34, it is directed to a device to implement the same device as set forth in claim 26. Therefore, it is rejected on the same basis as set forth hereinabove.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 35-37 are rejected under 35 U.S.C. 103(a) as obvious over Kaaresoja '471 in view of Epstein et al. (U.S. Publication 2003/0236729), hereinafter Epstein '729 and Amon (U.S. Publication 2002/0107936), hereinafter Amon '936.

Referring to claims 35-37, Kaaresoja '471 teaches, as claimed, a method of claim 1, a computer readable medium of claim 10, and a device of claim 26 respectively.

Kaaresoja '471 does not disclose expressly wherein the status event is selected from the group consisting of an advertisement event, a one-to-one marketing event, a business-transaction event, a stock-trading event, a weather-forecast event, and an emergency event.

Epstein '729 does disclose a wherein the status events consisting of an advertisement event (see Paragraph 14), a one-to-one marketing event (see Paragraph 16), a business-transaction event (see Paragraph 27), and a stock-trading event (exchange, see Title and Fig. 11).

Amon '936 does disclose a weather-forecast event (see Paragraph 16) and an emergency event (see Fig. 6).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate status events of Epstein '729 and Amon '936 into Kaaresoja '471.

The suggestion/motivation for doing so would have been to provide most comprehensive mobile PDA and/or Phone services.

Response to Arguments

Applicant's arguments filed 01/13/2009 have been fully considered but they are not deemed to be persuasive.

Applicant argues, Kaaresoja fails to describe a haptic code that distinctly identifies the transmitting device and a status event. Although Kaaresoja explains that users can select tactile icons that convey meanings and suggest associations for people and between people; Kaaresoja fails to describe tactile icons that distinctly identify the transmitting device and a status event.

Examiner disagrees with applicant. Kaaresoja '471, clearly discloses tactile sensation that distinctly identifies the transmitting device and a status event (see Paragraphs 9, 11, and 24).

Applicant argues, furthermore, the Examiner points to the fact that Kaaresoja explains that tactile icons can be sent and received as smart messages in much the same way as ringing tones and business cards are sent and received by mobile phones..." as

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teaching the above limitations. In particular, the Examiner states that the "ability to send smart message much the same was as ringing tones and business cards is way to distinctly or specifically identifies the transmitter of the signal." (Office Action, Page 9) Applicants disagree. Conventionally, the ring tones that identify the transmitter of a signal are selected by the user of the receiving device - not in the signal provided by the transmitting device. Conventionally, the phone number in the signal provided by the transmitting device is provided at the receiving device to identify the transmitting device.

Examiner disagrees with applicant. The paragraph 9 of Kaaresoja '471 discloses the same concern Applicant has raised above about the conventional means, 'no suggestion of sending vibration patterns as a means of communicating.' Clearly, Kaaresoja '471 discloses means to overcome this limitation by indeed sending vibration patterns as a means of communicating (see Paragraphs 10 and 11).

Conclusion

The prior art made of record and not relied upon are considered pertinent to applicant's disclosure:

Rosenberg et al. (U.S. Publication 2003/0038776) discloses haptic feedback for touch pads and other touch controls.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun Nam whose telephone number is (571) 270-1725 and fax number is (571) 270-2725. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184**

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